UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF PENNSYLVANIA

JAMES L. RAY JONES, JR.,

Plaintiff

NO. 3:CV-05-2142

-VS-

(Judge Kosik)

MS. GERTRUD FOSTER,

MR. PERRY JEFFERSON, and

MR. GERALD ROZUM,

Defendants

MEMORANDUM

Before the court are plaintiff's objections to the Report and Recommendation of Magistrate Judge J. Andrew Smyser dated October 31, 2005 recommending that the complaint be dismissed as frivolous pursuant to 28 U.S.C. §1915A(b)(1). For the reasons which follow, we will adopt the Report and Recommendation of the Magistrate Judge, will dismiss plaintiff's objections and will close the case.

Background

Plaintiff, James L. Ray Jones, Jr., a prisoner confined at SCI-Somerset, Somerset, Pennsylvania, filed the instant civil rights action pursuant to 42 U.S.C. §1983 on October 20, 2005. Named as defendants were Gertrud Foster, Clerk of Personnel Records at the Criminal Justice Center in Philadelphia, Perry Jefferson, deputy sheriff at the Criminal Justice Center, and Gerald Rozum, Superintendent at SCI-Somerset.

In his complaint, the plaintiff asserts that on September 19, 2005, he sent letters to defendants Foster and Jefferson requesting assistance regarding his identity as a deputy sheriff with the courts. He alleges that defendants Foster and Jefferson are his emergency contacts and that he has not received a response from either defendant.

The plaintiff also alleges he was in a car accident in the past. As a result, he suffered a fractured skull and has experienced temporary loss of memory and migraine headaches. He alleges that with treatment and medicine he has not had a migraine in three years. He further asserts that he is starting to remember a lot of things. He alleges that he is "Deputy Sheriff of the Highies," a deputy commissioner for the courtroom, a deputy U.S. Marshal, and a Special Agent with the FBI.

The plaintiff alleges that, in connection with a previous lawsuit, this court had him immediately released from SCI-Waymart, brought him to the federal courthouse in Scranton, and explained some very important things to him. He alleges that he told the court about his skull injury, his headaches and his memory problems and that the court made a record of the plaintiff's information.

In his request for relief, the plaintiff wants the court to make a computer check of his information about being a deputy sheriff. The plaintiff is also seeking immediate release from SCI-Somerset, compensation for false imprisonment and nominal damages for mental anguish.

On October 31, 2005, the Magistrate Judge issued a Report and Recommendation in which he recommended that the complaint be dismissed pursuant to 28 U.S.C. §1915A(b)(1). Specifically, the Magistrate Judge found the plaintiff's complaint to be frivolous because it relies on a fantastic or delusional factual scenario. Moreover, the Magistrate Judge found that to the extent plaintiff was seeking relief from custody, he should pursue the claim in habeas corpus.

On November 11, 2005, plaintiff filed a document entitled "Pretrial Motions." On November 21, 2005, plaintiff filed Objections to the Report and Recommendation. In his Pretrial Motions and Objections, plaintiff again reiterates the allegations set forth in the complaint regarding his various positions in law enforcement. He attaches as Exhibits

Plaintiff filed an identical document on November 25, 2005.

correspondence to several government entities seeking confirmation of his alleged positions in law enforcement.

We find no merit to the arguments set forth by plaintiff in his "Pretrial Motions" and objections. Thus, plaintiff's Pretrial Motions and objections will be dismissed. Moreover, we agree with the Magistrate Judge that the plaintiff's claim is frivolous. Accordingly, we will adopt the Report and Recommendation of the Magistrate Judge and will dismiss the complaint pursuant to 28 U.S.C. §1915A(b)(1).

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF PENNSYLVANIA

JAMES L. RAY JONES, JR.,

Plaintiff

NO. 3:CV-05-2142

-vs-

(Judge Kosik)

MS. GERTRUD FOSTER,

MR. PERRY JEFFERSON, and

MR. GERALD ROZUM,

Defendants

ORDER

AND NOW, this 18TH day of January, 2006, IT IS HEREBY ORDERED THAT:

- (1) The Report and Recommendation of United States Magistrate Judge J. Andrew Smyser dated October 31, 2005 (Document 9) is **ADOPTED**;
- (2) The plaintiff's "Pretrial Motions" (Document 10) and "Motion to Objection" (Documents 15 and 16) are **DISMISSED**;
- (3) The above-captioned action is **DISMISSED** pursuant to 28 U.S.C. §1915A(b)(1); and.
- (4) The Clerk of Court is directed to **CLOSE** this case and to forward a copy of this Memorandum and Order to the Magistrate Judge.

s/Edwin M. Kosik
United States District Judge